

1-1 By: Middleton S.B. No. 242  
1-2 (In the Senate - Filed November 17, 2022; February 15, 2023,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 20, 2023, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 3; April 20, 2023,  
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Hughes	X			
1-10	Paxton	X			
1-11	Bettencourt	X			
1-12	Birdwell	X			
1-13	LaMantia		X		
1-14	Menéndez		X		
1-15	Middleton	X			
1-16	Parker			X	
1-17	Perry	X			
1-18	Schwertner	X			
1-19	Zaffirini		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 242 By: Hughes

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to the identification of and prohibited cooperation by  
1-24 state and local entities with certain federal acts that violate the  
1-25 United States Constitution.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-27 SECTION 1. Title 7, Government Code, is amended by adding  
1-28 Chapter 794 to read as follows:

1-29 CHAPTER 794. IDENTIFICATION OF AND PROHIBITED COOPERATION WITH  
1-30 CERTAIN UNCONSTITUTIONAL ACTS OF FEDERAL GOVERNMENT

1-31 Sec. 794.001. DEFINITIONS. In this chapter:

1-32 (1) "Political subdivision" has the meaning assigned  
1-33 by Section 791.003.

1-34 (2) "State agency" has the meaning assigned by Section  
1-35 751.001.

1-36 Sec. 794.002. REVIEW OF EXECUTIVE ORDERS. (a) On the last  
1-37 day of each month, the attorney general shall provide a written  
1-38 report to the governor, lieutenant governor, speaker of the house  
1-39 of representatives, and each member of the legislature that:

1-40 (1) identifies each rule adopted by a federal  
1-41 government agency during the previous month that:

1-42 (A) relates to:

1-43 (i) pandemics or other health emergencies;

1-44 (ii) the regulation of natural resources,  
1-45 including coal and oil;

1-46 (iii) the regulation of the agriculture  
1-47 industry;

1-48 (iv) the use of land;

1-49 (v) the regulation of the financial sector  
1-50 as it relates to environmental, social, or governance standards;

1-51 (vi) the regulation of the constitutional  
1-52 right to keep and bear arms;

1-53 (vii) the free exercise of religion,  
1-54 including the congregating of religious practitioners;

1-55 (viii) border security; or

1-56 (ix) transportation;

1-57 (B) was adopted in response to an executive order  
1-58 by the president of the United States; and

1-59 (C) violates the rights guaranteed to the  
1-60 citizens of the United States by the United States Constitution;

and  
(2) provides the status of any lawsuit filed against the federal government relating to a rule identified by any report prepared under this section, including whether a court has found the rule to violate the rights guaranteed to the citizens of the United States by the United States Constitution.

(b) The attorney general shall publish any report prepared under this section on the attorney general's Internet website and in the Texas Register.

Sec. 794.003. COOPERATION WITH UNCONSTITUTIONAL ACTS. Notwithstanding any other law, a state agency or political subdivision may not cooperate with a federal government agency in implementing an agency rule that a report published under Section 794.002 indicates has been found by a federal court in a decision that has not been stayed, reversed, or overruled to violate the rights guaranteed to the citizens of the United States by the United States Constitution.

Sec. 794.004. INJUNCTIVE RELIEF. The attorney general may bring an action in a district court in Travis County or in a county in which the political subdivision is located to enjoin a violation of Section 794.003.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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